

**REMARKS**

In the outstanding Official Action, claims 1-15 and 19-24, all of the claims pending in this application, stand rejected under 35 U.S.C. § 112, second paragraph, as indefinite in connection with the language “---and at least one gas consisting essentially of...” The Examiner has taken that language to be an intended Markush group, but in fact, the intention was to close the claim, but from the Examiner’s comment, it can be seen that the intention was not clear. Accordingly, claim 1 has been amended to recite that the improvement is one wherein the gaseous plasma, itself, is one which consists essentially of air and at least one gas selected from the group consisting of the now nominated Markush group. Thus, the claim is closed to the gaseous plasma being essentially only air and a member of the nominated Markush group. No substantial amounts of other gases are involved in the gaseous plasma and this point is significant, as will be most clear from the following comments in connection with the rejection over the cited art.

In this latter regard, claims 1-15 and 19-24, are all the claims pending in this application, stand rejected under 35 U.S.C. § 102(e) as being anticipated by Jones et al. (U.S. Patent No. 6,953,544). The Examiner states that the Jones reference teaches a method of making a filter media with thermoplastic fibers modified by gaseous plasma at atmospheric pressure and wherein that gaseous plasma is air and the gas helium, argon or nitrogen. The Examiners refers specifically, in this regard, to col. 4, line 58 - column 5, line 15 of the reference. Further, and specifically in connection with claims 2-15 and 19-24, the Examiner states that the thermoplastic fibers are electrically charged by corona discharge and the gaseous plasma is a helium/air or

argon/air mixture, and again references column 5, lines 13-15. The specific thermoplastic fibers are rejected under the disclosure of column 4, lines 20-24 and column 4, lines 11-19.

It is believed that this rejection is in error, especially in view of the present amendments to claim 1, which close that claim, as briefly noted above.

The Examiner is quite correct that the relevant disclosure of the Jones et al. reference is that disclosure in the last paragraph at column 4, and the first and second paragraphs of column 5. However, as most clear from the disclosure in the last paragraph at column 4, and especially lines 65-67, the intended gaseous atmosphere of the Jones et al. process, is an atmosphere which is substantially **free** of oxygen and other contaminants and preferably the atmosphere contains less than 0.1% oxygen. Accordingly, the atmosphere of Jones et al. **cannot possibly contain air, one of the required elements of the present invention.** This is because the process of Jones et al. is actually a fluorination process and is intended for modifying the surface of a polymeric article to contain fluorine atoms by exposure of the polymeric article to an atmosphere that includes a fluorine species. While that fluorination process can be performed at atmospheric pressure or under reduced pressure, the process must be carried out in an atmosphere that will not interfere with the addition of fluorine to the surface of the polymeric article. Species that would interfere with such fluorination are, of course, **oxygen**. Thus, oxygen is considered a contaminant, which cannot be tolerated in the process of Jones et al. It is for this reason that Jones et al. is very specific in stating that the atmosphere must be substantially free of oxygen (and other contaminants) and that the atmosphere must contain less than 0.1% oxygen, a very low level of oxygen, and which level clearly **excludes air**. The atmosphere does, of course,

contain a fluorine species and also may contain an inert diluent such as helium, argon and nitrogen (see column 5, lines 13-15).

It is noted that the Examiner did not reject the claims on obviousness, but only on novelty, and for clear reasons. The Examiner recognized, of course, that the present invention is not obvious from Jones et al. but believed that the claims, as drafted at the time of the Official Action, in fact, read on the Jones et al. reference. Whether or not this conclusion is correct, it is believed that the issue is obviated by the above amendments. As claim 1 is now drafted, the gaseous plasma consists essentially of only air and at least one of the gases nominated in the Markush group. Since the Jones et al. atmosphere cannot contain air, the claim clearly defines over that reference. Further, since the Jones et al. atmosphere must contain a fluorine species and the present claim language closes the claim to any other gases, such as fluorine, claim 1, in this regard, further, defines over the Jones et al. reference.

Accordingly, it is believed that with the above amendments, the rejections of record, both under 35 U.S.C. § 112 and under 35 U.S.C. § 102, have been obviated and that this application is now in condition for immediate allowance.

## CONCLUSION

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Fred Whisenhunt, Reg. No. 24,378 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

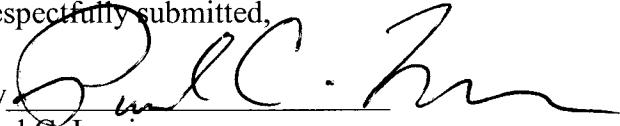
Application No. 10/822,747  
Amendment dated September 28, 2006  
Reply to Office Action of July 18, 2006

Docket No.: 4021-0126PUS2

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: September 28, 2006

Respectfully submitted,

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